

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. At a hearing held by phone on July 27, 2006 the petitioner agreed that the Department had correctly determined his monthly income to be \$1,704.58 in disability payments.

3. As of the date of the hearing the petitioner had paid the increased premium amount and had suffered no loss of his benefits.

ORDER

The Department's decision is affirmed.

REASONS

There is no question that premiums are required under the regulations for continuing coverage of VPharm based on recipients' income. W.A.M. §§ 3505.1, 3002.6, & M143. Effective July 1, 2006 the Department amended its regulations to include "across-the-board" increases in those premiums. Those increases include a provision for a premium of \$42 a month for "beneficiaries whose household income is greater than 175 percent of federal poverty level and no greater than 225 percent of federal poverty level". W.A.M. § 3505.1(3). There is no dispute in this matter that the petitioner's income is 207 percent of federal poverty level. See Procedures Manual § P-2420. Inasmuch as the Department correctly assessed the petitioner's premium based on his income in accord with its regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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